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DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **Salvador NAVARRO-Ruiz,** Defendant	Magistrate Docket No. 08 MJ 1214 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **April 19, 2008** within the Southern District of California, defendant, **Salvador NAVARRO-Ruiz** , an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Ismael A. Canto
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **21st** DAY OF **APRIL, 2008.**

Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Salvador NAVARRO-Ruiz

PROBABLE CAUSE STATEMENT

On Saturday, April 19, 2008, Border Patrol Agent J. Kapsar was driving his marked Service vehicle on the the Border Road in Tecate, California. As Agent Kapsar was driving past the area known locally as Ceti's Hill, he observed a group of approximately 30 individuals just north of the Border Road walking northbound in a single file. Ceti's Hill lies approximately one mile east of the Tecate California Port of Entry. The northern base of the hill lies directly on the international border between the United States and Mexico. When the group saw Agent Kapsar they began to run southbound toward Mexico. Agent Kapsar identified himself as a Border Patrol Agent and ordered the group to stop. Twelve subjects complied with Agent Kapsar's command to stop, while the remaining 18 to 20 subjects continued running southbound into Mexico. Agent Kapsar again identified himself as a Border Patrol Agent to the 12 subjects that stopped and questioned them as to their citizenship. Each subject, including one later identified as the defendant **Salvador NAVARRO-Ruiz**, freely admitted that they he was a citizen and national of Mexico. Each subject further admitted that he was not in possession of any valid immigration documents that would allow him to enter or remain in the United States legally. At approximately 3:55 pm., Agent Kapsar placed the subjects under arrest including the defendant and transported them to the processing center in Tecate, California.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **December 5, 2007** through **San Ysiro, California** . These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States.